



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE ALASKA BOUNDARY QUESTION.

BY RICHARD WAYNE PARKER, MEMBER OF THE HOUSE OF REPRESENTATIVES.

THE question as to the boundary of Alaska is the off-spring of the discovery of gold in the Klondike. Ever since the treaty of 1825 between Russia and Great Britain, it had been perfectly well understood by all parties that by that treaty Russia had an unbroken strip of land along the main continent, which gave her full control of all the sounds, channels and inland seas of that broken coast, and likewise protected her fur companies upon the islands from the incursions of the Hudson Bay Company. These considerations had been paramount in the negotiation of the treaty. This had been the construction shown in all the maps from 1825 to 1897, whether English, Russian, American or Canadian. Russia, and afterwards America, had occupied to the head of all these inlets. If ever there was a question which was absolutely settled, it was this. But with the discovery of gold in the Klondike everything is changed. A new construction of the treaty is put forward, just as some new child, never heard of before, always appears to claim a large fortune.

By the treaty of 1825, it was agreed that between the 56th degree of north latitude and the 141st degree of west longitude the boundary should "follow the summit of the mountains situated parallel to the coast," and also that, whenever this summit "shall prove to be at a distance of more than ten marine leagues from the ocean, the limit between the British possessions and the strip of coast which is to belong to Russia, as above-mentioned, shall be formed by a line parallel to the sinuosities of the coast and which shall never exceed the distance of ten marine leagues therefrom."

It had always been supposed that this line, parallel to the

“sinuosities” of the coast, should go inside of any bays, inlets, or arms of the sea. It is now suggested that the line should cut across these inlets, channels, bays, or arms of the sea, so as to keep the boundary line within ten leagues of the points of the continent. Indeed, some suggestion has been made that this line should run ten leagues inside of the outer line of marine jurisdiction, and cut through the islands which border the coast.

The coast of Russian-America, now called Alaska, is bordered, for about two hundred miles, by an archipelago of nearly half that width, consisting of rocky islands, divided from each other and from the shore by narrow, deep channels and sounds; while the coast of the mainland is broken by like deep, narrow inlets or channels, often running nearly a hundred miles into the land, with a width of one or two miles. On either side they are bordered by beetling cliffs. Like the fiords of Norway, they have been cut out by glaciers in early days, and the sinking of the whole continent has brought the sea farther and farther into these glacial beds. A Western man would call them cañons. The earliest maps of this region are Spanish, and on these they have the name of “canals,” the word meaning either a strait or channel of water, or a long, narrow flat between two parallel mountains. The Lynn Canal is one of the longest and largest of these, and the harbor at its head affords access to the Klondike, over the summit of the Chilkoot and Chilkat passes, which lie a few miles north of the Canal. At Portland Canal somewhat similar conditions prevail. But in most of the other parts of the coast, there is no definite summit or watershed within thirty miles of the shore as was expected by those who drew this treaty, and the line has, therefore, to be located upon the ground ten leagues from the sinuosities of the coast. The Canadian claims would disregard these sinuosities and seize the whole head of the Lynn Canal, so as to have direct access to the Klondike through a British port. Indeed, Canada has already offered to surrender to the American contention all the rest of the coast, provided it can have Pyramid Harbor upon the Lynn Canal.

The United States cannot agree to arbitrate such claims. Territorial disputes have always been excepted from propositions to establish a general court of arbitration. This whole region is filled with American settlements, which the Government cannot put in jeopardy. But a final reason against arbitration is, that no

disinterested court could be found, because every foreign nation is interested in trading directly with the British gold fields, instead of having to pass through American territory. At present shipments from foreign countries to the Klondike pay the Dingley duties from which our own shipments are exempt, and this gives us a substantial monopoly of furnishing supplies. There is not one foreign country that would not rather have a direct trade with this region. Any arbitration would simply involve the question whether America could bar that country from direct trade.

Such questions of national title, against common rights claimed by the other countries, cannot be submitted to arbitration. We are not ready to repeat the mistake which we made in the Fur Seal Arbitration, whereby we allowed other nations to decide whether the seals really belonged to us alone, or whether they might be killed by themselves in common with us. We cannot let others be the judges whether they are to have privileges in our property. We must assert our own rights as a nation.

But to say that arbitration is impossible does not exclude negotiations as to the exact settlement of the line. There are questions of survey, under the treaty, to determine whether the summit of the mountains lies within the ten leagues line, or if not, exactly where that line shall be laid out. It has, therefore, been right to appoint a commission of three Americans to meet a similar commission appointed on the side of Great Britain, and see whether this line can be located.

The American Commissioners, however, will never admit that there is any question with reference to the principle on which this boundary line should be laid out,—a principle which is settled by history and by the terms of the treaty itself.

In this article it will be impossible to do more than touch upon the history. It is thoroughly and beautifully abstracted in an article by John W. Foster, former Secretary of State, published in the "National Geographical Magazine" of November, 1899. A discussion of the question may be found in Balch's book, "The Alaska-Canadian Frontier," republished in 1903 with amendments. A careful list of maps bearing on the subject has been made and printed by P. Lee Phillips of the Library of Congress, as well as a list of books by A. P. C. Griffin of that Library. The literature is complete.

Suffice it to say that, during the negotiations for the treaty of

1825, when Great Britain insisted upon the possession of eighty miles of the coast behind the Russian Islands, Russia broke off all those negotiations, upon the express ground that unless the islands were protected by a strip of shore upon the mainland, the Russian Fur Company would be exposed to competition by the Hudson Bay Company, which it was their purpose to exclude. At the same time, the Russian envoy reported to his Government that it was their object to establish a barrier to stop the encroachment of the Hudson Bay Company, or the access of the English to the sea. The English envoy at the same time reported that the establishment of the line on Portland Canal, as afterwards adopted by the treaty, would deprive England of the inlets or small bays lying between latitude 56° and latitude $54^{\circ} 40'$.

The negotiations were thus broken off upon this essential point of the establishment of a barrier strip of coast, which would include all the inland seas. These negotiations were renewed on England's acceding to the Russian demands in this respect, on condition that the strip of coast should not be so wide as to run to the Rocky Mountains, and also that Russia should grant some privileges in the "interior seas, gulfs, harbors, or creeks upon the coast for the purpose of trading with the natives of the country," privileges which were finally allowed by the treaty for ten years, and abolished at the end of that period.

The maps in the possession of both parties showed a line of mountains running along the coast, close inside of all the inlets. These maps had been made by sailors, who thought that they could see such an unbroken chain of mountains. Russia suggested that the line should run along the summit of these mountains. England acceded, making the condition, in order to guard against possible mistakes in the maps, that the mountains should not be over ten leagues from the coast. But that it was the intention to give Russia an unbroken strip is not only proved by these maps used in the negotiations, which showed a chain of mountains inside of the inlets, but by all subsequent maps and papers. Russia immediately mapped the boundary officially in 1827. That map is copied in the Arrowsmith (London) map of 1832, and in Bouchette's Canadian map of 1831, as well as in all other Canadian maps (as, for example, Devine's of 1857), and in every map on the Continent or in England until 1898, when Ogilvie published an article in the proceedings of the Scottish Geographic

Society, accompanied by a map which still shows the boundary at ten leagues from the head of the canals.

But we are not left to maps. In 1839, Russia leased the strip of shore to the Hudson Bay Company, and in 1857 Parliament made inquiry as to that Company's affairs, and a map of their territory was published by the direction of Parliament, showing the leased ground marked in yellow. This ground was exempted from all hostilities during the Crimean War. It was ceded to the United States and remapped at that time. In 1873, the legislature of British Columbia proposed that a survey should be made of the thirty miles of American territory. Dennis, their surveyor-general, proposed to establish monuments upon certain rivers, which he names, including the Chilkat, which is above the head of the Lynn Canal, and the Taku and Stikine, which are above other canals. In 1876, upon the escape of a prisoner from a Canadian official some fifteen miles up the Stikine River, the Canadian Government ordered a survey, and abandoned jurisdiction because the point of escape was in American territory. In 1878, upon an official Canadian survey of the same river, a provisional boundary was suggested and accepted twenty-five miles from the mouth.

Meanwhile, the ground in question, around the heads of these canals, had been occupied more or less by Russian forts and posts. It was leased to the Hudson Bay Company and surrendered upon termination of the lease. Russia received the allegiance of the Indians therein. On its cession to the United States, it was occupied by the Army, and by post-offices, post-roads, and custom-houses, and Government and mission schools were established upon it. These last, at the head of the Lynn Canal, have existed for twenty years. The inlets have been patrolled by the Revenue Cutter Service since the cession. We have accepted the allegiance of the Indians, and enumerated them in the Census in 1880 and 1890. Towns were established, and all this was without protest from Great Britain or Canada. It is true that in 1888, on an endeavor to survey the boundary, Mr. Dawson, acting for the Dominion of Canada, had raised a question whether the line was to be measured from the heads of the inlets. But no governmental action was taken until the month of August, 1898, when Great Britain, at the suggestion of Canada, first made a claim to take the boundary line from above the Portland Canal down to

the coast, and across the inlets, leaving an average breadth of shore to the United States of five miles, broken continually by arms of the sea.

We may go further, however, and say that it needs only a careful reading of the treaty of 1825, to ascertain that the Canadian claims are absolutely contradicted by the treaty itself. We admit that the word "coast" has more than one signification—for example, (1), the outside boundary of marine jurisdiction, outside of all inland seas and coast-lying archipelagoes; (2), the exterior line of the mainland, cutting across the mouths of close bays and inlets, even of tide-water; and (3), the shore, the actual line of low-water mark upon tide-water, a line unbroken by anything except running streams. In this case there is no doubt. The treaty itself defines this last sort of coast, viz., the shore, as the one that was intended, and the treaty so fixes the boundary as that there can be no dispute upon this matter.

The important object sought by Great Britain was to be relieved of the Russian claim to maritime jurisdiction in the Pacific for 100 miles from shore, as well as to define the part of the coast to be claimed by either. The treaty recites a desire to "settle, upon the basis of reciprocal convenience, different points connected with the commerce, navigation and fisheries of their subjects on the Pacific Ocean, as well as the limits of their respective possessions upon the northwest coast of America."

Article I. provides against molestation of the subjects of either in any part of the Pacific Ocean, either in navigating, fishing, or landing at such part of the coast as shall not have been already occupied, to trade with the natives under the restrictions thereafter specified.

Article II., in order to prevent illicit commerce, forbids landing at any place where shall be an establishment of the other party, without permission of the commandant.

Articles III. and IV. read as follows:

"III. The line of demarcation between the possessions of the High Contracting Parties upon the coast of the continent and the islands of America to the northwest, shall be drawn in manner following:

"Commencing from the southernmost point of the island called 'Prince of Wales Island,' which point lies under the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133d degree of west longitude (meridian of Greenwich), the said line shall ascend to the

north along the pass called 'Portland Channel' as far as the point of the continent (*Fr. terre ferme*) where it reaches the 58th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the 141st degree of west longitude (of the same meridian), and finally from the said point of intersection the said meridian line of the 141st degree in its prolongation toward the frozen ocean shall form the limit between the Russian and British possessions on the continent of America, to the northwest.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood; first, that the island called 'Prince of Wales Island,' shall belong wholly to Russia; second, that whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the strip of coast (*Fr. lisière de côte*—literally, selvage of coast,) which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the sinuosities of the coast, and which shall never exceed the distance of 10 marine leagues therefrom."

We note immediately the hesitation and doubt as to the existence of the mountains along this sinuous coast-line, and as to the exact position of the eastern boundary of the strip or "binding." But, up to that point, the description is accurate and careful; and the corner at which this mountain chain line shall start, is fixed carefully and exactly at a point which, as will be shown, is *just ten leagues from the head of the nearest bay*, and which is much more than that distance from the outer coast which is asserted by Canada to govern that boundary.

We may well spend some little time in removing all doubt, as to the terms of this description. First, we note that it is a line of demarcation between possessions "on the coast of the continent and the islands." It is to divide the "coast" and "islands" of one party from those of the other. These words involve the straits, sounds, arms of the sea and bays, which make these islands and coast. All those north of the line are to be of Russia, and all south are to be of Great Britain. The whole coast with its islands and seas, whether belonging to Russia or England, was thus mentioned in Article III.; and this explains the ten years' license, given by each party to the subjects of the other in Article VII., to frequent these seas, for fishing and trading with the natives.

Article III. proceeds:

"Commencing from the southernmost point of the island called 'Prince of Wales Island,' which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133d degree of west longitude (meridian of Greenwich)."

This point is not so indefinite as it might seem. So far as we know, the most careful surveys of this region then existing were Vancouver's famous maps of 1798, accompanying the edition of his "*Voyages*" then published. The outermost island shown on those charts is named "*Prince of Wales Archipelago*," a large single island which Vancouver skirted, but thought (mistakenly) might be broken into several.* No less than three southerly points of this island appear in his chart, at almost exactly the same latitude, viz., 54 degrees 42 minutes. One, "Capo de Chacon," is shown in dark lines as surveyed by himself in 131 degrees 44 minutes west longitude. "Punta de Nunez" is mapped at 131 degrees 57 minutes west longitude, and "Capo de Muzon" at 132 degrees 30 minutes, both in the same latitude; but these are unshaded and stated in the map to be taken from "Spanish authorities." Thus, in the treaty description, the vague statement of longitude is intended to cover the doubt as to which cape was the southernmost, as well as the errors which were always found in longitude when chronometers and lunar observations were not so accurate as at present. For example, Cape Chacon is shown on the Coast Survey charts as at 132 degrees 1 minute west longitude, which is 17 minutes (or nautical miles) west of where Vancouver placed it. Some of his own calculations vary nearly a degree from each other.

As to latitude, Vancouver's survey of Cape Chacon was correct, but Cape Muzon extends south to 54 degrees 40 minutes and perhaps a trifle farther, so that the treaty was properly careful that all of Prince of Wales Island should belong to Russia and this was provided for in Article IV.

This line of 54 degrees 40 minutes was already historical. In 1824, the year before the treaty referred to, Russia and the United States had entered into a treaty as to this same coast. The first and second articles as to the freedom of the Pacific Ocean were the same as in the British treaty, which was copied therefrom.

* Vol. III., p. 419, of his "*Voyages*."

The third article engaged that there should not be formed by citizens of the United States, or under the authority of said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54 degrees 40 minutes of north latitude, and that in the same manner there shall be none formed by Russian subjects or under the authority of Russia, south of said parallel, which was thus made a boundary.

The fourth article provided that for ten years "the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country." This was copied in the seventh article of the British treaty. The other article was as to the sale of spirits and firearms to the natives, and was likewise copied.

Taken together, the American and British treaties reserved all question between the United States and England as to the coast below 54 degrees 40 minutes, and left all the coast above that line, and all the islands, interior seas, gulfs, harbors, and creeks, to Russia.

We only add one other authority to show that this line of 54 degrees 40 minutes was thoroughly understood at the time. On April 27th, 1824, Count Nesselrode, who signed both treaties for Russia, wrote that he would not insist on 51 degrees, that he was content with 55 degrees, and that toward the east the frontier could run along the mountains that follow the sinuosities of the coast up to Mount St. Elias, and from that point to the Arctic Ocean, etc. He continues:

"In order not to cut Prince of Wales Island, which, according to this arrangement should belong to Russia, we *proposed to carry the south frontier of our domains to the 54 degrees 40 minutes of latitude, and to make it reach the coast of the continent at Portland Canal, whose mouth opening on the ocean is at the height of Prince of Wales Island.*"

On Vancouver's chart, this line of 54 degrees 40 minutes extended eastwardly passes a mile or so south of Point Wales, the south point of a small island known as Wales Island, being, on the west side of the entrance of a wide channel or canal, leading

northeast into the continent. This canal or passage, according to the same chart, at 20 miles from its mouth, divides into two canals, one running north 45 miles to 55 degrees 45 minutes, with much the same width, and marked "Portland Channel," and the other continuing northeast about 30 miles, and marked as "Observatory Inlet." From Count Nesselrode's letter, it is plain that the whole canal had in 1825 taken the name of its larger branch, "Portland Channel," although Vancouver had in his voyage treated this as a branch of Observatory Inlet, which he first visited. But Nesselrode recognizes that it was from latitude 54 degrees 40 minutes that the line ascends to the north in the mouth of the wide canal, then and now termed Portland Canal; and not in the little strait north of Wales Island, which debouches north of that latitude.

From this point the treaty description is still more interesting.

"The said line shall ascend to the north, along the pass called 'Portland Channel,' as far as the point of the continent where it reaches the 56th degree of north latitude."

Vancouver's chart and his "Voyages" (Vol. II., p. 341) makes the canal end in latitude 55 degrees 45 minutes in low marshy land. He says:

"The shores of this inlet were nearly straight, and in general little more than a mile asunder, composed mostly of high rocky cliffs covered with pine trees to a considerable height, but the more interior country was a body of high barren mountains covered with snow."

Vancouver's survey was made in row boats and amid great hardships. It is absolutely accurate up to the division of the channel at a little short of 55 degrees; but our coast survey shows that, above that point, he omitted one or two courses in plotting, and that the end of the water is ten miles farther north than he placed it, lying in 55 degrees 55 minutes (only five miles from latitude 56 degrees); that, from the end of the water, the high rocky cliffs or banks with a cañon or pass between, of a mile in width, continues well beyond latitude 56 degrees, and that at that point of latitude the "*passe*" is flanked by high mountains, Mt. Gladstone on the east and the Reverdy Mountains on the west.*

* See the Coast Survey charts, "Portland Canal in Alaska" and "Clarence Strait, Revellagiedo Channel, and Portland Canal."

We thus understand how a line up a channel ("canal or "*passee*") gets to a point on "*terre ferme*." It was still a "*passee*" or "canal" though dry. The word "pass" in English, as in French, is applicable to a dry way or a waterway. The word "canal" was from the Spanish, and is defined in that language not only as an arm of the sea between islands or continents, but as a long narrow plain between two parallel mountains.

This is the Western-American use of the word "cañon," which the Spaniard would call a "canal"; and hence the line, after it left the part covered with water, would rightly go up this "pass" or "canon" of flat land between parallel mountains, for five miles farther, "as far as the point of the continent where it strikes the 56th degree." Thus the line of the channel, "*passee*" or "cañon" did reach a point on the continent, or *terre ferme*, because the channel or "*passee*" was and is dry there.

It is obvious that the men who drew this treaty *knew* that this line could go up Portland Canal or Cañon until it reached latitude 56 degrees. That was and is a fact. It may have been a route for trappers to the interior. The treaty thus contradicted Vancouver's chart, and all well-known maps of that date that made the canal stop at 55 degrees 45 minutes, but it was true that you could go up that "*passee*" by water and land to 56 degrees; and that this point was between high mountains. Let us see what this means.

This point was and is over 70 miles from the extreme projections of the coast. All knew that, for Vancouver's careful hydrographic map showed the fact. This point is defined by the treaty as in the boundary. Hence the coast or shore, from which the boundary should never be distant more than ten leagues, or thirty miles, cannot be the outside projections of the continent. But that point, by Vancouver's chart, was just ten leagues from the nearest shore of the next northern inlet, Walker's Cove on Behm's Canal. On the Coast Survey Chart, it is just $29\frac{3}{4}$ marine miles from the head of that cove. Thus there was a starting point at ten marine leagues from the nearest sinuosity of the coast in a range of mountains; such as was shown on Vancouver's map, as extending along the whole coast within the heads of these inlets, and usually close to them at a distance of five or ten miles. The starting point in that supposed range was, however, 30 miles from the head of the next nearest estuary.

So far, the survey is, obviously, an *actual* one. It proves itself by being true and accurate, where the maps were false. It follows a named channel or "*passee*" to a certain point. But from this point it does not claim to be otherwise than scientific and theoretical:

"From this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, etc."

"Whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude . . . shall prove to be at a distance of more than ten marine leagues from the ocean, the limit between the British possessions and the strip (*lisière*) of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the sinuosities of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

Every voyager thought the snowy peaks that he looked at constituted a continuous mountain chain.

At the head of Observatory Inlet Vancouver says:

"This (opening) to all appearance was bounded at no great distance by a continuation of the same lofty ridge of snowy mountains, so repeatedly mentioned as stretching eastwardly from Cape Fairweather, and which, in every point of view they had hitherto been seen, appeared to be a firm and close-connected range of stupendous mountains forever doomed to support a burden of undissolving ice and snow."*

And again:

"From the close connection and continuation of the lofty snowy barrier so frequently before adverted to, trending southeastwardly and along *parallel with the direction of the continental shore*, little probability can remain of there being any continental commerce," etc.†

We seem in these words of Vancouver's to have the words of the treaty before us, except that he says the *continental shore*, instead of its *coast*. That is what the treaty meant, namely, a range or line parallel to the sinuosities of the *shore*, and of the *côte* or coast in that sense. Half the difficulties have arisen from mis-translation of French words. Thus "*côte*" is "shore." "*Sinuosités*" are not mere windings, but *sinuosities*, defined as bends or folds, including *sinus* or bays. "*Lisière de la côte*" is not a "line of coast" but a strip, literally a selvage or edge, close

* Vol. II., p. 247.

† Vol. II., p. 249.

woven and holding the cloth together; an unbroken edge of shore.

The other Articles confirm this view:

“Article V. It is, moreover, agreed, that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other; consequently British subjects shall not form any establishment, *either upon the coast or upon the strip of the continent comprised within the limits of the Russian possessions, as designated in the two preceding articles*, and in like manner no establishment shall be formed by Russian subjects beyond the said limits.”

That is, English subjects shall not put factories upon the coast, nor shall the Hudson Bay Company come from behind upon the strip. But the English now contend that their ships could have gone to that coast and up the Lynn Canal and put a factory at its head. The article means nothing, unless the coast includes the whole *shore*.

“Article VI. It is agreed that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean or from the interior of the continent, shall have the right of navigating freely and without any hindrance whatever, all the rivers and streams which in their course towards the Pacific Ocean may cross the line of demarcation upon the strip of coast described in Article III. of the present convention.”

Vancouver's charts show many canals over 30 miles long. If the boundary was intended to cross these canals, there would have been provision for their navigation as matter of right, not merely for rivers and streams. The boundary was to cross rivers and streams with a *course* toward the Pacific; it was not to cross inlets and arms of the sea which were parts of the Pacific, but to go round their shores. Otherwise their navigation would have been provided for in this article as a right.

“Article VII. It is also understood that, for the space of ten years from the signature of the present convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in Article III., for the purposes of fishing and of trading with the natives.”

This is a mutual ten-year license given by respective owners, by the British claiming to be owner of the coast south of 54 de-

grees 40 minutes, and by Russia as owner of the coast north of this line, including all its "inland seas, gulfs, harbors, and creeks." It is plain that the coast on which they lie is the shore with all its sinuosities. There could have been no ten-year license, which could be and was revoked at its expiration, if England had the right to go to the head of Lynn Canal as her coast.

The French word "*crique*," translated "creek," may mean just such a "canal" or inlet. It does not mean a small stream, as in America. It is defined as a marine term, a little inlet (*literally*, panhandle), in the broken parts of a shore, or a cleft or cut forming a canal extending into the land.

Neither party to the treaty could license the use of its inland seas, gulfs, bays, and creeks, unless the boundaries of its possessions ran around them.

The rest of the treaty relates to Sitka, trade in liquors or firearms, refitting vessels after accident, etc., not material to the issue.

Thus, it is absolutely plain from the terms of the treaty that the whole shore, including the gulfs, bays and inland seas, was to belong to Russia down to latitude 54 degrees 40 minutes, and that south of that line they were to belong to England; that the word "ocean" included all tidal estuaries, that the interior boundary line was to be a line of mountains on the continent, inside of the "sinuosities of the shore," unless the range of mountains were more than ten leagues therefrom, when a line at that distance from these sinuosities should be the boundary. The well-defined point where the line was to begin was fixed by the survey at that exact distance from the head of the next nearest bay or inlet, and far within any Canadian line fixed by the projections of the continent. Moreover, this construction of the treaty is so absolutely confirmed by admissions of ownership that there can be no dispute as to the meaning of the instrument.

If that treaty were a deed, and there were doubt as to its meaning, the intention of the parties has been made so plain by their admissions before and since that it would be reformed in equity. But there is no such doubt.

RICHARD WAYNE PARKER.